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IN THE SENATE OF THE UNITED STATES.

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JUNE 6, 1896.—Ordered to be printed.

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Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 4199.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second Regiment New York Infantry, have had the same under consideration, and find the facts to be as stated in House Report No. 489, made at the present session, which is hereby adopted and made a part of this report.

Your committee recommend the passage of the bill.

The House report is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4199) for the relief of Edward H. Munson, beg leave to report:

There appear to be some discrepancies between the records of the War Department and the testimony submitted, as follows: The records of the War Department show that Edward H. Munson was aged 20 years at the date he was enrolled as a private of Company H, Thirty-second New York Infantry, while the soldier claims he was but 16 years of age, and this is corroborated by the testimony of Thomas Ash, who knew him at the time of his enlistment, and who says he was a mere schoolboy about 16 years of age; that he enlisted without the knowledge and consent of his parents, and came home one day in the uniform of his regiment and told his people that he had enlisted for nine months; by Jane Ryder, who lived a neighbor and knew the family intimately, and who says that at the time of his enlistment he was about 16 years of age and a mere schoolboy, and by a photograph taken about the time of his enlistment and which gives him a very youthful appearance.

It is shown by the record that Munson rendered faithful service as a soldier from the time of his enlistment until the 28th of May, 1863, when the term of service of the Thirty-second New York Infantry expired and the regiment was mustered out, and the remnant, apparently consisting of the recruits, was consolidated with the One hundred and twenty-first New York Infantry, and Munson was assigned to Company D of said regiment. Against this assignment Munson vigorously protested at the time, claiming that he had been enlisted only for the unexpired term of service of the Thirty-second New York Infantry, a period of nine months.

The report of his desertion is shown by the records on June 5, 28, and 29, 1863, but it is held by the War Department that the true date is May 28, the date of his transfer to the One hundred and twenty-first New York Infantry.

Munson testifies that he accompanied his command on the march to Gettysburg, but became separated therefrom and fell in with a Vermont regiment and participated in the battle, but of this there is no other proof.

The facts, which appear to be fairly well established by the testimony presented, are:

(1) That Patrick Stanley, first lieutenant of Company K, Thirty-second New York Infantry, and William Evans, second sergeant of Company H, Thirty-second New York Infantry, were detailed by Colonel Matterson and given a furlough to go home as recruiting officers to enlist men to fill up the regiment. This is testified to by

Alfred Lawrence, who was first lieutenant of Company H, Thirty-second New York Infantry, the company to which Munson belonged.

(2) That these recruiting officers represented that they were enlisting men for the unexpired term of the regiment, which was a two years' organization, and at the time of Munson's enlistment had about nine months to serve.

(3) That the boy, Munson, signed all the papers presented to him and as directed by the recruiting officers without reading them.

(4) That Munson immediately after his enlistment declared to his parents and to a number of others that he had enlisted for nine months.

(5) That he was a good and faithful soldier from the time of his enlistment until the expiration of term of service of the Thirty-second New York Infantry.

The father of the boy makes a statement which, although not sworn to, is strongly corroborated, that his boy enlisted for the unexpired term of the regiment, and that he was so told by the recruiting officer, Patrick Stanley, on the day of the enlistment.

Aletha A. Munson testifies to the same facts.

Edward O. Jones testified to his acquaintance with the boy, to his enlistment, and says he verily believes that Edward H. Munson was deceived by the enlisting officer as to his term of enlistment. The affiant was captain of Company H, Thirty-second New York Infantry, to which company Munson belonged, and Alfred Lawrence, first lieutenant of same company, testified to his personal knowledge of the truth of the captain's statements. Both testify to the faithful and reliable service of the soldier during his service with the Thirty-second, and that he earnestly protested against being transferred to the One hundred and twenty-first New York Infantry on the ground that his term of enlistment had expired.

Lieutenant Lawrence further testifies that in conversation with General Sedgwick, the General said that Munson and others should be discharged with the regiment, as they had been deceived and would not make good soldiers; that the said Edward H. Munson was a good and faithful soldier during the time he was a member of Company H, Thirty-second New York Infantry; that he served until about the 1st of June, 1863, when he was transferred to the One hundred and twenty-first New York Infantry, and that on the 13th day of June Company H and the whole Thirty-second Regiment was mustered out of service in the city of New York.

It is extremely probable that the boy gave his age to the recruiting officer as 20 in order that he might be accepted, as a large number of boys of extreme youth are known to have done.

A careful consideration of all the testimony leads to the conclusion that the boy was deceived as to his term of enlistment and fully believed that he had enlisted for the unexpired term of nine months of the Thirty-second Regiment New York Infantry.

In view of all the facts, his faithful service during the term for which he believed he had enlisted, and his extreme youth at the time, your committee report favorably and recommend that the bill do pass.